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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,620	10/03/2000	Katsumi Tahara	450108-02465	2391

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EXAMINER
CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-37* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 31-37 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yonemitsu et al. (5461420), (hereinafter referred to as "Yonemitsu") in view of

Hoogenboom (5517250) in further view of Bennett et al. (6278733), (hereinafter referred

to as "Bennett").

As for claims 31 and 37, Yonemitsu discloses an apparatus that relates to coding

and decoding a video signal from one frame rate to another frame rate (Yonemitsu:

column 1, lines 6-9). This apparatus comprises "counting fields in the input video data

having a particular frame frequency" (Yonemitsu: column 5, lines 49-52, wherein the 2-

3 pulldown circuit performs the counting, the particular frame frequency is the 60 Hz

input signal), "converting the input video having the particular frame frequency into

video data with a second frame frequency" (Yonemitsu: figure 3, column 5, lines 57-61,

wherein the field order re-arrangement circuit performs the converting), and "encoding

the video data to generate a stream" (Yonemitsu: figure 3, wherein the encoding is

performed by the coder). However, Yonemitsu fails to disclose the picture order

information and the extracting means as claimed. Hoogenboom teaches that there is a

need in the prior art to provide a method for providing the DTS when needed without

any need to reaccess the PES header (Hoogenboom: column 3, lines 35-38). To help

alleviate this need, Hoogenboom discloses "generating picture order information based

on the fields, the picture order information included a presentation time stamp and a

decoding time stamp" (Hoogenboom: column 6, lines 30-34, column 7, lines 6-14) and

"packetizing the elementary stream and generating time stamp information"

(Hoogenboom: figures 2A-2C, column 9, lines 39-46. The examiner notes that time

stamp information is necessary in order to properly transmit the packet over a network).

Bennett teaches that no standards have been defined by DVB to handle certain types of

VBI signals (Bennett: column 1, lines 49-55). To help alleviate this problem, Bennett

discloses "extracting ancillary data from vertical blanking interval and the line number of

the ancillary data" (Bennett: column 7, lines 53-55; column 10, lines 56-62, wherein the

ancillary data is the closed caption data) and "supplying the extracted ancillary data to a

controller thereby supplying information pertaining to the V-phase and H-phase

positioning" (Bennett: figures 1-3, wherein the controller is the encoder/decoder

processing, the V-phase and H-phase information in contained within the output signal

in order to correctly display the closed caption data). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to take

the apparatus disclosed by Yonemitsu, add the picture information taught by

Hoogenboom, and add the extracting means taught by Bennett in order to obtain an

apparatus that correctly transmits and displays video information at the right time.

As for claim 34, Hoogenboom teaches of said time stamp information contains

decoding time stamps and/or presentation time stamps (Hoogenboom: Column 7, Lines

5-14).

As for claim 35, Hoogenboom teaches of said generation means comprises

means for adding said time stamp information to the header of said packetized

elementary stream (Hoogenboom: Column 9, Lines 39-46).

As for claim 36, although not disclosed, it would have been obvious to convert a

30 Hz signal into a 24 Hz signal using a 3:2 pulldown process (Official Notice). Doing

so would have been obvious in order to easily switch between the two different types of

formats.

5.   Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yonemitsu et al. (5461420), (hereinafter referred to as "Yonemitsu") in view of

Hoogenboom (5517250) in further view of Bennett et al. (6278733), (hereinafter referred

to as "Bennett"), in further view of Azadegan (US 5,612,900).

As for claim 32, most of the limitations of the claims have been discussed

in the above rejection of claim 1. Hoogenboom does not explicitly teach of said

encoding means describes said picture order information in the picture layer of said

elementary stream, however, Azadegan does (Note: Azadegan Figures 9A-C show the

picture layer log files that contain the information about the picture order (i.e.

input_order of the pictures, what fields to repeat, the sequence header, the GOP

number, etc.). Therefore it would have been obvious to one of ordinary skill in the art at

the time of the invention to place the picture order information in the picture layer

because of the picture layers direct connection with what is displayed and its control

over the encoded and decoded field coefficients.

As for claim 33, most of the limitations of the claims have been discussed

in the above rejections. Hoogenboom also teaches said generation means extracts

said picture order information from said elementary stream by parsing the syntax of said

elementary stream (Hoogenboom: column 10, lines 6-16. Note: the parser parses the

sequence header (which contains the order) for information that is needed).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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SUPERVISORY PATENT EXAMINER
TC 2600